

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16424 of 2004

Between:

Arkitemula Subbamma W/o. Late Malakondaiah
Chennipadu Village & Post, P.A.Padu (S.O), Prakasam District.

..... PETITIONER

AND

- 1 The Joint Collector, Prakasam District, Ongole.
- 2 The Mandal Revenue Officer, Ponnalur, Prakasam District.
- 3 The Mandal Education Officer, Ponnalur, Prakasam District.
- 4 Smt. Shaik Imam Bee, Cooking Agent, M.P.P. School, Chennipadu Village
and Post, P.A Padu (S.O), Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the second respondent in issuing the impugned proceedings Rc.A/190-04, Dt. 28.8.2004 removing the petitioner from service as Cooking Agent as contrary to the guidelines and set aside the same as illegal, arbitrary, violation of articles 14 and 21 of the Constitution of India.

Counsel for the Petitioner:MR.C.SRINIVASA BABA

Counsel for the Respondents 1 to 3: GP FOR REVENUE

The Court at the stage of admission made the following O R D E R:

The petitioner was appointed as Cooking Agent (Implementing Agency) on 02-01-2003 for implementation of the Mid-Day Meal Scheme/Programme for the children of Class-I to Class-VII at Chennipadu Village. On the allegation that the petitioner is not performing her duties properly and causing disturbance to the Mid-Day Meal Scheme/Programme, the third respondent appointed the fourth respondent as implementing agency by removing the petitioner through impugned proceedings dated 28-08-2004. Questioning the same, the present writ petition is filed.

The first respondent-Joint Collector, Ongole, Prakasam District, is the competent authority to monitor the appointment of implementing agency and the petitioner has already moved the first respondent with her representation and in turn, the first respondent called for a report from the second respondent-Mandal Revenue Officer, Ponnalur, Prakasam district along with records. It is stated by the petitioner in the affidavit that the second respondent directed the lower authorities to implement his order. If that be the case, it is for the Joint Collector to consider the representation of the petitioner and pass appropriate orders. Since the matter before the first respondent is already pending, the present writ petition cannot be entertained.

In view of the same, the first respondent is hereby directed to pass appropriate orders on the representation made by the petitioner after receiving the report from the second respondent.

The writ petition is accordingly disposed of. No costs.

14th SEPTEMBER, 2004.

Kvni

To

- 1 The Joint Collector, Prakasam District, Ongole.
- 2 The Mandal Revenue Officer, Ponnalur, Prakasam District.
- 3 The Mandal Education Officer, Ponnalur, Prakasam District.
- 4 Two C.Cs to the Government Pleader for Revenue, High Court
of A.P., Hyderabad. (OUT)

5 Two C.D copies